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7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

9 * * *

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 vs.
13 MARIA LARKIN,
14 Defendant.

2:12-cr-319-JCM-GWF

STIPULATION TO CONTINUE
MOTION HEARING

(First Request)

15
16 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United
17 States Attorney, and Cristina D. Silva, Assistant United States Attorney, counsel for the United States
18 of America, and Rene L. Valladares, Federal Public Defender, and Shari L. Kaufman, Assistant
19 Federal Public Defender, counsel for MARIA LARKIN, that the motion hearing currently scheduled
20 for March 26, 2015 at 9:30 a.m., be vacated and set to a date and time convenient to this Court;
21 however, in no event earlier than sixty (60) days.

22 This Stipulation is entered into for the following reasons:

- 23 1. Trial date for this case was postponed to June, parties are attempting to work out the
24 issues, at this time there is no necessity for the hearing.
- 25 2. The parties agree to the continuance.
- 26 3. The additional time requested herein is not sought for purposes of delay, but merely
27 to allow for a resetting in this matter.

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1 4. Additionally, denial of this request for continuance could result in a miscarriage of
2 justice.

3 5. The additional time requested by this Stipulation is excludable in computing the time
4 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States
5 Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A), considering
6 the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

7 This is the first request for continuance filed herein.

8 DATED this 25th day of March, 2015.

9 RENE L. VALLADARES
Federal Public Defender

DANIEL G. BOGDEN
United States Attorney

10 /s/ Shari L. Kaufman

/s/ Cristina D. Silva

11 By: _____
SHARI L. KAUFMAN
12 Assistant Federal Public Defender
Counsel for Maria Larkin

By: _____
CRISTINA D. SILVA
13 Assistant United States Attorney
Counsel for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

2:12-cr-319-JCM-GWF

Plaintiff,

FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND ORDER

vs.

MARIA LARKIN,

Defendant.

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Trial date for this case was postponed to June, parties are attempting to work out the issues, at this time there is no necessity for the hearing.

2. The parties agree to the continuance.

3. The additional time requested herein is not sought for purposes of delay, but merely to allow for a resetting in this matter.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice.

5. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

This is the first request for continuance filed herein.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the trial dates.

1 **CONCLUSIONS OF LAW**

2 The ends of justice served by granting said continuance outweigh the best interest of the public
3 and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result
4 in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within
5 which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due
6 diligence.

7 The continuance sought herein is excludable under the Speedy Trial Act, title 18, United
8 States Code, Section 3161(h)(1)(A), 3161(h)(7) and Title 18 United States Code, Section 3161
9 (h)(7)(A), when the considering the facts under Title 18, United States Code, Section 316(h)(7)(B)(i)
10 and 3161(h)(7)(B)(iv).

11 **ORDER**

12 IT IS THEREFORE ORDERED that the motion hearing scheduled for March 26, 2015 at the
13 hour of 9:30 a.m., be vacated and continued to Friday, May 29, 2015 at the hour of
14 9:30 a.m.

15 DATED this 26th day of March, 2015.

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18 UNITED STATES MAGISTRATE JUDGE
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